

Settlement/Hearing: February 27th, 2013
Time: 10:00 A.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

DEBRA P. MARIN,

Chapter 13
Case No.12-23649 RDD

NOTICE OF SETTLEMENT

Debtor(s)

PLEASE TAKE NOTICE, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Robert D. Drain, United States Bankruptcy Judge, on the 27th day of February, 2013 at 10:00 A.M. at the United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York.

Hearings on Objections, if any, to be conducted same place, date and time.

Written objections or counterorders must be submitted to chambers by no later than close of business *three (3) days prior* to settlement.

Dated: White Plains, New York
January 31st, 2013

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir (JLS0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. No. 914-328-6333

TO: United States Trustee
33 Whitehall Street
New York, New York 10004

Debra P. Marin
10 Columbus Avenue
Valhalla, New York 19595

Gary Gjertsen, Esq.
Clair & Gjertsen, Esqs.
720 White Plains Road
Scarsdale, New York 10543

Estate of Ana Beatriz Marin
c/o Carla Marin, Executrix
1762 Route 6
Carmel, New York 10512

Deutsche Bank National Trust Company
4600 Regent Blvd. # 200
Irving, Texas 75063

Bank of America, NA
450 American Street
Simi Valley, California 93065

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No.12-23649 RDD

DEBRA P. MARIN,

Debtor(s)

-----x

ORDER DISMISSING CHAPTER 13 CASE

The chapter 13 trustee having moved for an order dismissing this chapter 13 case; and upon the motion and the record of the February 27, 2013 hearing thereon, the Court having found that the above-captioned debtor has failed to comply with the provisions of 11 U.S.C. §1307(c)(1), having created unreasonable delay that is prejudicial to creditors, and the Court also having found that the debtor's plan is not feasible and that the debtor is unable to confirm a plan; and good cause appearing.

IT IS ORDERED THAT:

This chapter 13 case is hereby dismissed. The chapter 13 trustee shall take all actions required by the dismissal of this case.

Dated: White Plains, New York
February , 2013

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
IN RE:

DEBRA P. MARIN,

Chapter 13
Case No.12-23649 RDD

TRUSTEE'S AFFIDAVIT

Debtor(s)
-----x

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1. He is the standing Chapter 13 Trustee.
2. The debtor filed a Chapter 13 proceeding on September 17th, 2012.
3. A hearing on confirmation was held on January 30th, 2013.
4. The debtor failed to comply with the provisions of 11 U.S.C. §1307(c)(1).
5. The debtor has failed to provide the trustee with certain of the required

documentation, to wit, real estate appraisals for each of the three properties owned by the debtor.

6. The debtor's plan is deemed infeasible.
7. It does not appear that all disposable income has been designated to the plan.
8. Loss mitigation has been terminated.
9. At the aforesaid confirmation hearing held on January 30th, 2013, the debtor's case demonstrated infeasibility and an inability to confirm.
10. The delay created by the debtor is prejudicial to creditors.

WHEREFORE, the trustee respectfully requests that the annexed order dismissing this case be signed.

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

Sworn to before me this
31st day of January, 2013

/s/ Jody L. Kava

Jody L. Kava
Notary Public, State of New York
No. 4836806
Qualified in Westchester County
Term Expires: 10/31/13

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No.12-23649 RDD

DEBRA P. MARIN,

Debtor(s)

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AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in the County of Westchester, State of New York. On January 31st, 2013, I served a true copy of the within document, to the herein listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to the following:

TO: United States Trustee
33 Whitehall Street
New York, New York 10004

Debra P. Marin
10 Columbus Avenue
Valhalla, New York 19595

Gary Gjertsen, Esq.
Clair & Gjertsen, Esqs.
720 White Plains Road
Scarsdale, New York 10543

Estate of Ana Beatriz Marin
c/o Carla Marin, Executrix
1762 Route 6
Carmel, New York 10512

Deutsche Bank National Trust Company
4600 Regent Blvd. # 200
Irving, Texas 75063

Bank of America, NA
450 American Street
Simi Valley, California 93065

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
31st day of January, 2013

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No. 02SA8764500
Qualified in Rockland County
Term Expires: 12/31/14